

REMARKS

The application is a Continuation of U.S. Application Serial No. 09/970,419, filed October 2, 2001, the specification of which is incorporated herein by reference.

Claim 7 was amended, no claims have been added, and claims 30-54 have been cancelled; as such, claims 1-29 and 55-64 are presently pending in the case.

During prosecution of the parent application, an office action dated June 24, 2003 (the "office action"), rejected original independent claims 1-29 and 55-64 as being unpatentable over Walker (U.S. Patent No. 6,036,298) in view of Yamakawa (U.S. Patent No. 5,929,432) and further in view of Kamada et al. (U.S. Patent No. 6,128,098). The Examiner objected to Figures 8, 10, 11, and 12 as missing an arrow from element 352. The Examiner also objected to claim 7 because of an informality. Claims 30-54 were allowed by the Examiner.

In the interest of furthering the prosecution of the parent case the Applicant accepted the allowed claims and canceled the claims which were rejected. The present preliminary amendment addresses additional allowable subject matter as supported by the specification of the parent case as originally filed.

In the office action of the parent case, the Examiner stated that Walker discloses every feature of the claimed invention with the exception of the plural light emitting elements sharing the outgoing light path to illuminate an object within the hardcopy device as claimed by the Applicant. The Examiner further stated that Yamakawa discloses plural light emitting elements, wherein the plural light emitting elements comprise three elements each emitting different colors. In addition, the Examiner added that Kamada illustrates a fourth light emitting element which emits orange light.

Yamakawa appears to describe photosensitive pixel line sensors of a solid state image sensing device, not plural light emitting elements. (See Yamakawa, column 2, lines 5-8). Thus Yamakawa discusses one or more sensors but not one or more emitters. Yamakawa also appears to describe

irradiating light onto the object to be read by a single light source. (See Yamakawa, column 5, lines 61-64).

Kamada appears to describe an indicator light which may appear orange. (See Kamada, column 7, lines 42-45). Kamada does not appear to describe an orange light emitting element to illuminate an object within the hardcopy device.

In contrast, by way of example and not by way of limitation, the Applicant's independent claims 1, 20, and 55, as originally filed, describe "plural light emitting elements" sharing the outgoing light path to illuminate an object within the hardcopy device.

As shown, none of the references whether independently or in combination teach or suggest each and every element and limitation of Applicant's independent claims 1, 20, and 55, as originally filed. As such, the Applicant believes that independent claims 1, 20, and 55, as well as those which depend therefrom, are in condition for allowance. Applicant respectfully requests consideration of the same upon review of the present continuation.

The Applicant has also amended claim 7 per Examiners suggestion to remove informalities. The Applicant believes that independent claim 7 as amended, as well as those which depend therefrom, is in condition for allowance. Applicant respectfully requests consideration of the same upon review of the present continuation.

In addition, Applicant has amended Figure 8, 10, 11, and 12 in an attempt to overcome the objections defined in the office action to the parent case. A revised drawing set is attached.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (360) 212-8052.

If necessary, please charge any additional fees or credit overpayment to the Deposit Account No. 08-2025.

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By:

Name: Sarah L. Reinhard

Respectfully Submitted,
Dan Arquilevich, et al.

By their Representatives,

E.J. BROOKS & ASSOCIATES, PLLC
1221 Nicollet Avenue, Suite 500
Minneapolis, MN 55403

By:

Edward J. Brooks III
Reg. No. 40,925

Date:

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